

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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MATTEL, INC., :

Plaintiff, :

-against- :

21 Civ. 1333

THE ENTITIES DOING BUSINESS AS :  
UNICORN ELEMENT AT THE URL :  
UNICORNELEMENT.NET, THE :  
ENTITIES DOING BUSINESS AS THE :  
PAYPAL MERCHANT, THE :  
ENTITIES DOING BUSINESS USING :  
THE EMAIL ADDRESS :  
CHRIS\_WONG601@YAHOO.COM, :  
THE ENTITIES DOING BUSINESS :  
ON AMAZON.COM UNDER THE :  
BRAND NAME ZITA ELEMENT, :  
UNDER THE STORE NAME ZITA :  
ELEMENT, AND/OR UNDER :  
THE BUSINESS NAME YANG :  
LIUHUI, THE ENTITIES DOING :  
BUSINESS ON AMAZON.COM :  
UNDER THE BRAND NAME ECORE :  
FUN, UNDER THE STORE NAME :  
EC2TOY, AND/OR UNDER THE :  
BUSINESS NAME HUANG QIONG, :  
EMMS TRADING GMBH, ZHIJIAN LI, :  
YANG LIUHUI, HUANG QIONG, :  
JOHN DOE NOS. 1-5, AND ABC :  
ENTITY NOS. 1-5, :

Defendants. :

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**UNDER SEAL**

ORDER TO SHOW CAUSE FOR AN ATTACHMENT ORDER  
AND A TEMPORARY RESTRAINING ORDER

Upon the annexed declarations of Michael Moore, Emily H. Jaquez, Jennifer Rafuse, and William Dunnegan, each sworn to March 15, 2021, and all prior proceedings in this action, it is hereby,

ORDERED that (i) the entities doing business as Unicorn Element at the URL www.unicornelement.net, (ii) the entities doing business as the PayPal, Inc. (“PayPal”) merchant 琼, (iii) the entities doing business using the email address Chris\_Wong601@yahoo.com, (iv) 黄 the entities doing business on amazon.com under the brand name Zita Element, under the store name Zita Element, and/or under the business name Yang Liuhui, (v) the entities doing business on amazon.com under the brand name Ecore Fun, under the store name EC2Toy, and/or under the business name Huang Qiong, (vi) EMMS Trading GmbH, (vii) Zhijian Li, (viii) Yang Liuhui, and (ix) Huang Qiong, (collectively, “Defendants”), SHOW CAUSE before Hon. Victor Marrero, United States District Judge, on a telephonic conference approximately two weeks from the date of this Order, to be set by the Court after consultation with the parties, why an order should not be entered:

(i) Pursuant to Rule 64 of the Federal Rules of Civil Procedure and New York CPLR § 6201, attaching the funds of each Defendant at Amazon.com, Inc. (“Amazon”) and PayPal;

(ii) Enjoining each Defendant, its officers, agents, employees, servants and attorneys and all persons in active concert or participation with any of them who receive actual notice of this order, from transferring or withdrawing, or accepting any funds from, any accounts of any Defendant at Amazon and/or PayPal, pending a further order of this Court; and

(iii) Granting such other and further relief as to the Court may seem just and proper.

The Court makes the following preliminary findings of fact and conclusions of law pursuant to Rules 64 of the Federal Rules of Civil Procedure and New York CPLR § 6210 on the application of plaintiff Mattel, Inc. (“Mattel”) for an *ex parte* order of prejudgment attachment.

1. This is an action for money damages.

2. Mattel has demonstrated a likelihood of success on the merits of its claims for trademark infringement and counterfeiting, and copyright infringement, against Defendants.

3. Defendants are not domiciled in this State.

4. Defendants have not filed any counterclaim.

5. The Court has personal jurisdiction over Defendants pursuant to New York CPLR § 302(a)(1), because Mattel's claim arises out of Defendants' contracts for sales, and/or shipments of goods, into this State.

6. An order of attachment is an appropriate exercise of the Court's discretion, as it is necessary to ensure that any judgment Mattel obtains in this action against Defendants is satisfied. And it is further

ORDERED that each Defendant, its officers, agents, servants, employees, and attorneys, all persons in active concert or participation with any of them who receive actual notice of this order, be, and hereby are, TEMPORARILY RESTRAINED from transferring, withdrawing or accepting any funds from any account of any Defendant at Amazon and/or PayPal, pending further order of the Court; and it is further

ORDERED that this temporary restraining order shall be effective upon issuance, and Mattel shall post security in the amount of \$ 5,000 with the Clerk of the Court; and it is further

ORDERED that by 7:00 pm ET on the second business day after the service of papers upon it, Amazon and PayPal shall each provide to counsel for Mattel the amount restrained; and it is further

ORDERED that by 7:00 pm ET on the second business day after service of papers upon it, Amazon and PayPal shall each provide to counsel for Mattel the most current available contact information for each Defendant, including the full name, postal addresses and e-mail

addresses and bank accounts used to transfer funds in and/or out of the Amazon or PayPal account of each Defendant; and it is further

ORDERED that Mattel shall serve a copy of this order and the papers upon which it was granted by dispatching them (a) by Federal Express courier to Amazon.com, Inc. by delivery to Corporation Service Company, at 300 Deschutes Way SW, Suite 304, Tumwater, Washington 98501, Attn: Legal Department – Legal Process, and 80 State Street Albany, NY 12207 Attn: Legal Department – Legal Process and to PayPal, Inc. at 2211 North First Street, San Jose, California 95131, Attn: Legal Department, and to CT Corporation Trust, 28 Liberty Street, New York, NY 10004 on or before 7:00 p.m. on March 19 \_\_, 2021, and (b) by Federal Express courier and e-mail to the addresses Amazon or PayPal provides for each Defendant, by 7:00 p.m. on the first full business day after Mattel receives that information from Amazon or PayPal.

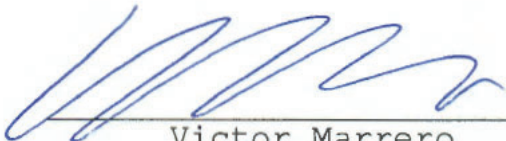
Service shall be deemed complete upon dispatch of a copy of this order and the papers upon which it was granted, along with the summons and complaint, and Mattel shall promptly file a declaration with the Clerk of the Court affirming that these papers have been dispatched in conformity with this order.

Opposition papers shall be served electronically, by overnight mail, or by hand on counsel of record for Mattel so that they are received on or before 5:00 p.m. within ten days of service of this Order, or on a briefing schedule agreed upon by the parties and approved by the Court.

The parties are directed to inform the Court within two business days of the completion of service their position whether this matter should remain under seal via a joint submission.

Dated: March 17, 2021

New York, New York



Victor Marrero  
U.S.D.J.